S.B. CR.MISC.BAIL APPL.NO.6889/2007.

Babu Lal and anr.
Vs.
State

Date of order : 30/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Mohar Pal Meena for the petitioners.
Shri Harshvardhan Nandvana P.P. for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that though initially the accused-petitioners were arrested on 25/8/2007 in connection with investigation of one first information report but during the course of investigation, two more first information reports were registered. They were thus shown to have been arrested by production warrant in all these first information reports namely; FIR Nos.125/2007, 126/2007 and 127/2007 from time to time. The allegation against the petitioners is committing the offence u/S.136 of the Indian Electricity Act which is punishable by sentence of three years and triable by the Court of the Magistrate, Ist Class.

The accused-petitioners were arrested on 25/8/2007 and challan has been filed on 31/8/2007. They are no more needed for the purpose of investigation. Except the above referred FIRs registered against the petitioners with P.S. Tehala, District Alwar, no other criminal case is pending against them. It is argued that petitioners undertake to appear before the trial court on each and every date of hearing during the pendency of trial, completion of which is likely to take long hence, the petitioners may be enlarged on bail during trial.

Learned Public Prosecutor has opposed the bail application and argued that in view of the seriousness of offence, the petitioners are not entitled for indulgence of grant of bail pending trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments and the fact that petitioners are in jail since 25/8/2007, I deem it appropriate to enlarge them on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that

petitioners Babu Lal S/o Chuttan Lal Meena and Kamlesh S/o Harphool shall be released on bail in F.I.R. No.126/2007 P.S. Tehala, District Alwar for offence under Section 136 of the Indian Electricity Act subject to their furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

In case, the accused-petitioners are found indulging again in the offence of theft at any point of time in future, the prosecution shall be at liberty to apply for cancellation of their bail on this ground alone.

(MOHAMMAD RAFIQ), J.

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